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SUBJECT: INSTRUCTIONS FOR SPECIAL ENVOY GAMBARI'S UNSC BRIEFING

11. SUMMARY AND ACTION REQUEST: Special Advisor on Burma Ibrahim Gambari is scheduled to report to the UN Security Council on the situation of the "good offices" mission to Burma during informal consultations of the Security Council on Thursday, January 17. USUN is instructed to draw from the points in para 2 below in its response to Gambari's briefing.

USUN should draw on these points in making a statement to the press following the consultations and encourage like-minded countries to also speak to the press. End of Summary and Action Request.

12. Begin points:

Implementation of October 11 PRST on Burma  
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-- The United States welcomes Special Advisor Gambari's report to the Council today on the status of the Secretary General's "good offices" mission to Burma.

-- On October 11, the Security Council adopted a Presidential Statement that called on the Burmese regime to release all political prisoners and detainees, engage in a genuine dialogue with Aung San Suu Kyi and all concerned parties and ethnic groups, and to cooperate fully with Special Advisor Gambari.

-- During Mr. Gambari's visit to Burma the following month, the regime pledged to release more political prisoners, agreed in principle to allow ICRC access to prisoners, and invited him back "again and again" (07 USUN 1028).

-- Unfortunately, to date the regime has not responded to the Council's concerns.

-- Political Prisoners: The regime continues to detain and prosecute peaceful political activists. As recently as January 4, as the people of Burma celebrated their independence from colonial rule, the regime arrested more members of the NLD and other peaceful political activists. It continues to hold Daw Aung San Suu Kyi and countless other political prisoners in custody. There has been no relaxation of the conditions of house arrest for Daw Aung San Suu Kyi, as requested by the Council's PRST in October, nor have international NGOs been allowed independent access to prisoners.

-- Political Dialogue: There has been no progress by the regime in establishing a genuine dialogue with Burma's democratic and ethnic minority representatives, as called for by the PRST and by Special Advisor Gambari during his two previous visits to Burma. The regime's designated liaison has only met with Daw Aung San Suu Kyi once since November. The regime continues to deny her the right to consult regularly with other democracy activists and ethnic minority representatives or with foreign diplomats. It has continued to impose its so-called road-map despite its clear lack of

popular legitimacy among the Burmese people.

-- Cooperation with the UN: The regime has delayed Mr. Gambari's return to Burma until late April, a five-month gap since his last visit.

-- At every opportunity, the Burmese regime has demonstrated a clear lack of regard for the UN, particularly the Secretary General, under whose leadership this "good offices" mission was launched, and the Security Council, which laid out its clear and reasonable expectations for the regime in its October 11 statement.

#### What the Regime Must Do

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-- The Secretary General said in early December that the world's patience with the Burmese regime was running out. Over a month later, no progress is evident.

-- If the Burmese regime wants to demonstrate a genuine intention to cooperate with Secretary General Ban's "good offices" mission, at a minimum it should:

a) Allow Special Advisor Gambari to return to Burma this month and grant him access to all regime officials, Daw Aung San Suu Kyi, and other democratic and ethnic minority leaders, and anyone else whose participation is necessary to help him fulfill the mission with which the General Assembly

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charged him;

b) Commit to a genuine dialogue with Burmese democratic and ethnic minority representatives, with the understanding that the UN is available to facilitate such dialogue as needed and desired by all parties;

c) Release Daw Aung San Suu Kyi and all other political prisoners and allow democratic and ethnic minority groups to consult with each other in preparation to participate in a dialogue with the regime;

d) Cease immediately the detention, arrest and prosecution of persons engaged in peaceful political activities.

#### What the International Community Should Do

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-- The Security Council cannot remain silent while the Burmese regimes disregards the will of this Council and of the international community and obstructs Special Advisor Gambari's return to Burma.

-- The international community and this Council must acknowledge publicly what the regime has done and what it has not. If it continues to fail to meet its commitments to Special Advisor Gambari or to fulfill the requirements of the Council's Presidential Statement, the Security Council will have to consider additional measures.

-- The United States calls on all responsible stakeholders in the international community to use whatever influence they have with the regime to impress upon it the need to cooperate with the UN and make real progress toward a transition to democracy.

-- Should Special Advisor Gambari be permitted to return to Burma, the United States believes that he should focus his efforts on establishment of a political dialogue. Other tracks such as creation of a poverty alleviation commission, while potentially worthwhile as a means of advancing the political dialogue, should be postponed until such a dialogue has been firmly established and is underway. The United States does not support an effort to alter the regime's

Constitution Drafting Commission absent or prior to the establishment of a genuine time-bound tripartite dialogue.

-- Only by realizing a genuine transition to democracy, which has been called for by the entire international community, including Burma's neighbors in ASEAN, will Burma achieve the stability, prosperity and freedom that its people desire and deserve.

End points.  
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